

# HOUSE BILL 131

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By: **Delegates Stukes, Alston, Anderson, Barnes, Glenn, Gutierrez, Harrison, Haynes, Howard, A. Miller, Mitchell, Murphy, B. Robinson, Tarrant, and Washington**

Introduced and read first time: January 24, 2011

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health – Clean Indoor Air Act – Smoking in Transit Passenger Shelters**  
3 **Prohibited**

4 FOR the purpose of prohibiting a person from smoking in certain transit passenger  
5 shelters; establishing the intent of the General Assembly to protect the public  
6 and employees from involuntary exposure to environmental tobacco smoke in  
7 transit passenger shelters; requiring the Department of Health and Mental  
8 Hygiene to adopt regulations that prohibit environmental tobacco smoke in  
9 transit passenger shelters; requiring the Department to report to the General  
10 Assembly on certain enforcement efforts; establishing that certain penalties  
11 apply to a person who smokes in certain transit passenger shelters; repealing a  
12 certain obsolete provision; defining a certain term; and generally relating to  
13 prohibiting smoking in transit passenger shelters.

14 BY repealing and reenacting, without amendments,  
15 Article – Health – General  
16 Section 24–501(a) and 24–508(a)  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2010 Supplement)

19 BY adding to  
20 Article – Health – General  
21 Section 24–501(h)  
22 Annotated Code of Maryland  
23 (2009 Replacement Volume and 2010 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article – Health – General  
26 Section 24–502, 24–504, and 24–507

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2009 Replacement Volume and 2010 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Health – General**

6 24–501.

7 (a) In this subtitle the following words have the meanings indicated.

8 **(H) “TRANSIT PASSENGER SHELTER” MEANS:**

9 **(1) A BUS PASSENGER SHELTER, AS DEFINED IN § 8–750 OF THE**  
10 **TRANSPORTATION ARTICLE; OR**

11 **(2) A SHELTER LOCATED AT A DESIGNATED LIGHT RAIL STOP FOR**  
12 **THE CONVENIENCE OF PASSENGERS OF A PUBLIC TRANSPORTATION SYSTEM**  
13 **OWNED AND OPERATED BY A GOVERNMENTAL UNIT, PUBLIC AUTHORITY, OR**  
14 **TRANSIT OPERATOR.**

15 24–502.

16 It is the intent of the General Assembly that the State protect the public and  
17 employees from involuntary exposure to environmental tobacco smoke in indoor areas  
18 open to the public, indoor places of employment, **TRANSIT PASSENGER SHELTERS,**  
19 and certain designated private areas.

20 24–504.

21 Except as provided in § 24–505 of this subtitle, [beginning on February 1,  
22 2008,] a person may not smoke in:

23 (1) An indoor area open to the public;

24 (2) An indoor place in which meetings are open to the public in  
25 accordance with Title 10, Subtitle 5 of the State Government Article;

26 (3) A government–owned or government–operated means of mass  
27 transportation including buses, vans, trains, taxicabs, and limousines;

28 **(4) A TRANSIT PASSENGER SHELTER; or**

29 **[(4)] (5) An indoor place of employment.**

1 24-507.

2 (a) The Department shall adopt regulations that prohibit environmental  
3 tobacco smoke in indoor areas open to the public **AND IN TRANSIT PASSENGER**  
4 **SHELTERS**.

5 (b) On or before September 30 of each year, the Department shall report, in  
6 accordance with § 2-1246 of the State Government Article, to the General Assembly  
7 on:

8 (1) The enforcement efforts of the Department to eliminate  
9 environmental tobacco smoke in indoor areas open to the public **AND IN TRANSIT**  
10 **PASSENGER SHELTERS** during the prior year; and

11 (2) The results of these enforcement efforts.

12 24-508.

13 (a) Subject to subsection (c) of this section and except as provided in  
14 subsection (d) of this section, a person who violates a provision of this subtitle or a  
15 regulation adopted under § 24-507(a) of this subtitle:

16 (1) For a first violation, shall be issued a written reprimand by the  
17 Secretary or the Secretary's designee;

18 (2) For a second violation, is subject to a civil penalty of \$100; and

19 (3) For each subsequent violation, is subject to a civil penalty not less  
20 than \$250.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2011.